

## **Miami-Dade County Commission on Ethics and Public Trust**

### Lobbying in Miami-Dade County FAQs

#### **Lobbying**

- Are all County lobbyists required to register with the County Clerk of the Board?
  - Yes, the Miami-Dade Board of County Commissioners adopted legislation, which requires persons or entities employed or retained by a principal seeking to influence official County or municipal action, to register as a lobbyist with the Clerk of the Board. The Clerk of the Board's website is:  
<http://www.miamidade.gov/COB/lobbyisthome.asp>
  - Please note: Individuals who lobby in a municipality should contact the clerk's office for that municipality in order to learn their lobbying registration requirements
- Who is considered a Lobbyist?
  - Definition of lobbying activities:
    - Seeking to *encourage the passage, defeat or modifications of*:
      - Any ordinance, resolution, action, decision of the County Commission
      - Any action, decision recommendation of the County Mayor or any County board or committee
      - Any action, decision or recommendation of county personnel
    - During the time period of the *entire decision-making process* on such action, decision or recommendation, which foreseeably will be reviewed by the County Commission or a County board or committee.
    - Lobbying is prohibited if a person is not properly registered. Lobbying includes all types of communication, whether face-to-face, meeting, a telephone conversation or an e-mail exchange
  - The definition of a lobbyist includes a Principal or any employee, person(s) or firm(s) retained by a Principal on either a paid or unpaid basis whose scope of employment includes lobbying activities
- Are Jackson Memorial Hospital (JMH) and Public Health Trust (PHT) vendors subject to the lobbying Ordinance and requirements?
  - Yes, registration and ethics training is required for JMH/PHT vendors who appear before a PHT board or employees of JMH/PHT to encourage the board or individual to purchase the product the vendor represents or who seeks approval for clinical trial of new products and services.
  - The Policy and Procedures Manual for JMH/PHT vendors can be found at:
    - [http://www.jhsmiami.org/workfiles/pdfs/JHS\\_Vendor\\_Policy.pdf](http://www.jhsmiami.org/workfiles/pdfs/JHS_Vendor_Policy.pdf)

## Registration

- Where can I find lobbyist registration forms and information?
  - On the County Clerk of the Board's website at:
    - <http://www.miamidade.gov/cob/>
  - Lobbyist forms can also be found at the Ethics Commission website at:
    - <http://ethics.miamidade.gov/frequently-used-forms.asp#4>
- Who is required to register as a lobbyist and what are the registration fees?
  - A Principal of a corporation must register if he/she is lobbying. Note: Principal who lobbies must register but is exempt from paying the registration fee.
  - If employee(s) lobbies instead of Principal, then a registration payment of \$490 is required for each employee who is lobbying.
  - Registration fees to be paid:
    - Per year
    - Per company or firm
    - Per employee lobbying for that company or firm.
  - Ethics Opinions regarding who is required to register:
    - Public Health Trust vendors, i.e., sales representatives for pharmaceutical companies are lobbyists.
    - Architects are lobbyists when engaged in activities intended to influence government decisions, except if appearing at quasi-judicial meetings or performing routine administrative functions on behalf of clients.
    - Plan expeditors would be lobbying if they tried to circumvent established departmental procedures in order to persuade officials to take a particular course of action.
    - Attorneys meeting with county personnel during the procurement process, unless the communication is strictly limited to legal matters.
- Is a lobbyist required to register before lobbying?
  - Yes, both the principal and employees who are lobbying must register with the Dade County Clerk of the board. Annual lobbyist registration forms can be found on the County Clerk of the Board's website:  
[\(http://www.miamidade.gov/COB/lobbyisthome.asp\)](http://www.miamidade.gov/COB/lobbyisthome.asp)
  - A firm engaged in lobbying on behalf of a principal is also required to register. Lobbyists must register with the Clerk of the Board within 5 business days of being retained or before engaging in lobbying, whichever comes first.

- Prior to lobbying, lobbyist must submit registration, authorization to lobby and joint affidavit with principal stating that there will be no contingency or success fees
  - Annual Lobbyist Registration form:
    - <http://www.miamidade.gov/COB/library/forms/annual-lobbyist-registration-2013.pdf>
  - Activity Authorization form:
    - <http://www.miamidade.gov/cob/library/forms/lobbyist-activity-authorization.pdf>
  - Contingency fee Affidavit:
    - <http://www.miamidade.gov/COB/library/forms/joint-contingency-fee-affidavit.pdf>
- Who is considered a Principal?
  - The President of a corporation.
  - The owner, president or chief shareholder of a corporation or an individual who has been designated or who has the apparent authority to make final decisions on behalf of the corporate entity who is engaged in lobbying activities as defined above.
  - A member of the corporate board engaged in lobbying who has been appointed by the corporation to serve as its representative during negotiations or lobbying activities.
  - But, an officer of an entity, such as a chief financial officer, is not a principal if his/her normal scope of employment does not include lobbying activities.
- Does a Principal have to pay the registration fee?
  - No, the Ethics Code states that a principal of any corporation, partnership or other entity does not have to pay a registration fee. However, the Principal must attend and pay for ethics training. RQO? I have mixed feelings about including RQO's as these may change over time and the wording in some of them can be confusing. With the changes I made above, this may seem a little redundant, when viewed in relationship to the question below.
- Who is required to register, but does not pay a registration fee?
  - Principal of a corporation.
  - Representatives of not-for-profit or charitable organizations and trade associations.
- Who is not required to register but must be listed on an affidavit filed with the clerk's office?
  - Persons appearing only as part of an oral presentation team before a County board or committee.

- Who is not required to register?
  - Under the Ethics Code the following are not required to register:
    - A public officer, employee or appointee appearing in his or her official capacity.
    - Any person appearing in his or her individual capacity.
    - Attorneys or other representatives appearing at publicly noticed quasi-judicial proceedings where ex-parte communications are prohibited.
    - Expert witnesses at public meetings.
    - Unpaid representatives of not-for-profit community-based organizations seeking grant funding.
    - Employees of principals whose normal scope of employment does not include lobbying activities.
  - According to Ethics Opinions the following are not required to register:
    - Individuals simply gathering information
    - Individuals performing routine administrative functions for a client
    - Existing vendors who are servicing existing contracts or providing technical assistance after the product has been purchased
    - “Meet and greet” general discussions of product lines, goods and services when no related matter is foreseeably before any commission, board or committee
    - Attorney who meets with government staff to hear the reasons why his client is not complying with County law as long as attorney is not attempting to defend client’s practices
- What are the penalties for failing to register?
  - Failure to register may cause a lobbyist to be debarred from lobbying:
    - 90 days, 1st violation
    - 1 year, 2nd violation
    - 5 years, 3rd violation
  - A bidder or proposer may be subject to debarment after 3 or more violations.
  - The Contract in question is voidable.
  - Individual is subject to the penalties prescribed in the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

### **Training**

- Is a lobbyist required to attend lobbyist training before they lobby?
  - No, but a lobbyist must attend ethics training within 60 days of registering.
  - Lobbyists must also complete a refresher course every 2 years thereafter.
  - The cost of the Ethics Commission lobbyist training course is \$100.
  - The City of Miami requires yearly training.
  - The City of Miami course may be substituted for Miami-Dade County course, and vice versa.

- Do employees of non-profits have to attend lobbyist training and pay the \$100.00 training fee?
  - Yes.
- Does a Principal have to pay for Lobbyist training?
  - Yes.
- How do I register for lobbyist training?
  - Information on registration for Lobbyist Training can be found on the Ethics Commission website at:
    - <http://ethics.miamidade.gov/training.asp>
  - Where can I find the dates for Lobbyist training?
    - Information on registration for Lobbyist training can be found on the Ethics Commission website at:
      - <http://ethics.miamidade.gov/training.asp>

## **Reporting**

- Are Lobbyists required to file an annual expenditure report?
  - Yes, but only if he/she has had expenses in furtherance of the lobbying effort. Those lobbyists must file an annual Lobbyist expenditure report form which can be found at the Clerk of the Board's website at: <http://www.miamidade.gov/COB/lobbyisthome.asp>
  - The completed form must be mailed by July 1 for the preceding year and must be mailed to:

Clerk of the Board  
111 N.W. 1st Street  
Suite 17-202  
Miami FL 33128

- When is a lobbyist required to complete a Notice of Withdrawal form?
  - A Notice of Withdrawal form must be submitted to the Clerk of the Board's office upon conclusion of the Lobbyist's representation of each principal.
  - The Notice of Withdrawal form can be found at:
    - <http://www.miamidade.gov/COB/library/forms/lobbyist-registration-withdrawal.pdf>